

COMMITTEE AMENDMENT FORM

DATE: 11/28/ 06

COMMITTEE CITY UTILITIES

PAGE NUM. (S) 2 & 3

ORDINANCE I. D. #06-O-2617

SECTION (S) 2, 5, 6 & 8

RESOLUTION I. D. #06-R-

PARA.

AMENDS THE LEGISLATION BY DELETING SECTIONS 2, 5, 6 &
8 AND RENUMBERING REMAINING SECTIONS.

AN ORDINANCE
BY



06-0-2617

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE ALL APPROPRIATE DOCUMENTS TO ACQUIRE APPROXIMATELY 1.52 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF NORTHSIDE DRIVE AND BISHOP STREET, ATLANTA, FULTON COUNTY, GEORGIA, (LAND LOT 151); TO NEGOTIATE WITH PROPERTY OWNERS TO ACQUIRE NECESSARY RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS, INCLUDING CONDEMNATION PROCEEDINGS; AUTHORIZING THE CITY ATTORNEY TO PROCEED WITH THE DECLARATIONS OF TAKING METHOD AUTHORIZED BY O.C.G.A. §§22-3-140 AND 32-3-4 TO ACQUIRE TITLE TO RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS NECESSARY, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER 2J27 (2001 WATER AND WASTEWATER BOND FUND) 571001 (LAND) Q67J02049999 (GENERAL IMPROVEMENT, HEMPHILL TREATMENT PLANT); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") owns and operates a water and wastewater treatment and collection system; and

WHEREAS, the Department of Watershed Management ("Department") has identified in connection with operation and improvement of the Hemphill Treatment Plant Facility the need to acquire approximately 1.52 acres of property located at the northwest corner of Northside Drive and Bishop Street, Atlanta, Fulton County, Georgia, said property being located in Land Lot 151, 8th District of Fulton County, Georgia ("Property"); and

WHEREAS, the Property is in close proximity of critical drinking water facilities of the Hemphill Treatment Plant, namely the drinking water reservoir, and, as such, the Department has identified the Property and any future development thereof as a serious security risk to the Plant; and

WHEREAS, in order to acquire the necessary property interests, it is in the City's best interest to allow the Mayor or her designee the authority to negotiate with property owners to acquire the Property; and

WHEREAS, the Procurement and Real Estate Code of the City Code of Ordinances outlines the process for appraising, negotiating and purchasing property by the City, and the purchase price must be no less than the fair market value of the property as listed in the property appraisal, creating the established just compensation ("EJC") value of the property; and

WHEREAS, there are occurrences when real property is listed for sale at a lower price than the appraised value; and

WHEREAS, during these occurrences when real property is currently listed for a lower price than the appraised value it is in the City's best interest to purchase the real property for the lower stated value, allowing the property owner to establish the EJC value of the property via the lower listed property sale price; and

WHEREAS, O.C.G.A. §§22-3-140 and 32-3-4 allow the declaration of taking method of condemnation to be used for acquisition of private property for, among other things, public sewage collection, treatment, and disposal system purposes as provided in Article 1 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That the Mayor or her designee are authorized to negotiate with the appropriate owners of the Property to acquire the Property said Property being 1.52 acres of property located at the northwest corner of Northside Drive and Bishop Street, Atlanta, Fulton County, Georgia, being in Land Lot 151 of the 8th District of Fulton County, Georgia.

SECTION 2: That the requirements of City Code Sections 2-1517, 2-1541, and 2-1545 of the Procurement and Real Estate Code are waived in this instance. That the Mayor or her designee is authorized to make purchase of the Property on behalf of the City without further authorization by the City Council.

SECTION 3: That the Mayor or her designee is authorized to obtain appraisals to establish the estimated just compensation ("EJC") to be offered property owners in connection with the Projects.

SECTION 4: That the Mayor or her designee is authorized to purchase the Property at a price lower than the appraised value if that lower price is currently listed, as properly substantiated.

SECTION 5: That the City's Chief Procurement Officer or his designee is authorized to administratively settle acquisition of the Property which exceed these limitations without further authorization from Council: a) in an amount not to exceed twenty percent (20%) above the EJC; or b) Five Hundred Dollars and No Cents (\$500.00) when the EJC is below Two Thousand Five Hundred Dollars and No Cents (\$2,500.00); or c) whichever is greater.

SECTION 6: That if negotiations with affected owner of the Property are successful, the Mayor or her designee is authorized to accept and execute options with such owners at the agreed price on behalf of the City for the purchase the Property in connection with the Hemphill Treatment Plant Facility without further authorization from City Council.

SECTION 7: The City Attorney, or designee, is authorized to monitor and supervise the closing transaction with the affected owner of the Property with the acquisition of the same, with the assistance of the City's real estate acquisition consultant.

SECTION 8: That if the owner of the Property rejects the options, and negotiations fail with such owner, the Mayor or her designee, with the assistance of the City Attorney, are authorized to use all means necessary and within their power, up to and including condemnation, to acquire the necessary easements and other related property interests, without further authorization from City Council.

SECTION 9: That circumstances are such that at times it will be necessary to proceed with the declarations of taking as a method of condemnation, as authorized by O.C.G.A. O.C.G.A. §§22-3-140 and 32-3-4, for the benefit of the Hemphill Water Treatment Plant; that the City Attorney is authorized to institute condemnation proceedings pursuant to this declaration of taking method authorized by O.C.G.A. §§22-3-140 and 32-3-4 to acquire title to easements and other related property interests necessary for the construction of the Projects.

SECTION 10: That the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle condemnation proceedings, without further authorization from City Council.

SECTION 11: That the costs associated with this Ordinance Shall be charged to and paid from Fund, Account, and Center Numbers 2J27 (2001 Water & Wastewater Bond Fund) 571001 (Land) Q67J02049999 (General Improvement, Hemphill Treatment Plant).

SECTION 12: That all ordinances or parts of ordinances in conflict with this are waived to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton 

Contact Number: 6207

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities

Council Deadline: October 30, 2006

Committee Meeting Date(s): November 14, 2006 Full Council Date: November 20, 2006

Commissioner Signature 

CAPTION

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FINANCIAL IMPACT (if any) \$

Mayor's Staff Only

Received by Mayor's Office: 11/20/06 Reviewed by: 
(date)

Submitted to Council: 11/20/06